

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

EDWARD LEE BIRCHETT,

Plaintiff,

v.

Civil Action No. 3:08CV762

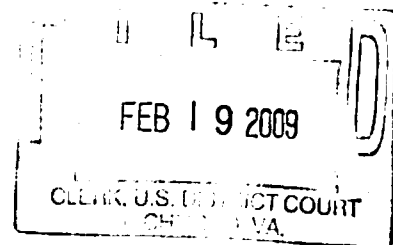
GARY WILLIAM,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on December 8, 2008, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the order of this Court. Plaintiff failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant complaint. See 28 U.S.C. § 1914(a). Such actions demonstrate a wilful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.



The Clerk is directed to mail a copy of the Memorandum Opinion to Plaintiff.

It is so ORDERED.

Date: FEB 19 2009
Richmond, Virginia

/s/ REP
Robert E. Payne
Senior United States District Judge